

THE HON'BLE SHRI JUSTICE G.V.SEETHAPATHY

WRIT PETITION NO.10628 of 2005

Between:

B.Kalyana Sundaram S/o B.Rajeswara Rao
Gunadala, Viziawada-5.

....Petitioner

AND

Station House Officer, Prohibition & Excise Station,
Mylavaram, Viziawada.

...Respondents

:: ORDER ::

Counsel for the Petitioner : Sri Y.Raveendra Kumar

Counsel for Respondents : ----- (N.A)

This writ petition is filed seeking a writ of *Mandamus* declaring the action of the first respondent in affecting seizure of Auto Rickshaw bearing No.AP07X 5918, as illegal and arbitrary and consequently to direct the respondents to release the said Auto Rickshaw.

By interim order dated 29.04.2005 in W.P.M.P.No.13701 of 2005, this Court directed the respondents to release the auto on condition of the petitioner depositing the amount due to the respondents, as assessed by the Motor Vehicle Inspector and the petitioner shall not alienate the auto until further orders and shall produce the same as and when required.

The respondents filed a counter stating that the value of the auto has been assessed by the Motor Vehicle Inspector concerned and the same was submitted to the Deputy Commissioner of Proh.& Excise, Kakinada, who in turn gave a direction to release the auto for interim custody to the petitioner after obtaining FDR-BG for the value of the auto as assessed by the Motor Vehicle Inspector. But, the petitioner did not approach the concerned authorities with Bank Guarantee-F.D.R seeking release of the vehicle.

Learned Counsel for the petitioner submitted that in view of the interim directions dated 29.4.2005, no further orders are required to be passed in the matter and nothing remains to be decided in this writ petition.

In view of the above submission, the writ petition is disposed of with a direction to the respondents to release the Auto Rickshaw bearing No.AP07X 5918 if and when the petitioner approaches the respondents duly furnishing necessary security by way of Bank Guarantee-F.D.R for the value of the auto as assessed by the Motor Vehicle Inspector, in terms of the interim order dated 29.4.2005 granted by this Court. No order as to costs.

G.V.SEETHAPATHY, J

13th July 2006

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DATED : 13.07.2006